

Office Action dated: July 1, 2004  
Reply filed: September 30, 2004

Applic. No. 10/680,194  
Art Unit 3636

**REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1 to 19 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

**ALLOWABLE SUBJECT MATTER**

It is gratefully acknowledged that the Examiner considers the subject matter of claims 4, 5, 6 and 19 as being allowable if rewritten in independent form and if the indefiniteness rejection were overcome. Although not conceding the inappropriateness of the Examiner's rejections, claim 4 has been rewritten in independent form. Accordingly, claims 4, 5, 6 and 19 are now in condition for allowance.

**REJECTION UNDER 35 U.S.C. § 112**

Claims 1-19 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner points out a lack of antecedent basis in regard to "the tubular slide" in claim 1. In the present amendment, the Applicant has removed the word "tubular"

Office Action dated: July 1, 2004      Applic. No. 10/680,194  
Reply filed: September 30, 2004      Art Unit 3636

so that antecedent basis is now present. Accordingly, this rejection is believed to be overcome.

Claims 1-3, 7, 9-11 and 15 stand rejected under 35 U.S.C. § 102 as being anticipated by Tseng (U.S. Publication Application 2003/0111873). This rejection is respectfully traversed.

The Examiner points out that Tseng shows the use of a chair with a first leg set, a second leg set, wherein the first leg set is pivoted to the first leg set and a backrest having lower ends pivoted to the second leg bars. A slide (31) moves over the first leg bar and is pivoted to backrest. Applicant submits that the claims now are not anticipated by Tseng.

By way of the present amendment, Applicant has amended claim 1 to further describe the slide. The slide now is described as fitting over and receiving therein the free end of each leg bar. In the Tseng reference, sleeve 31 receives the leg bar which extends therethrough and out the other side. The sleeve is pivoted to the backrest. The sleeve allows the front legs to extend there through and beyond the backrest.

Claim 1 describes the present invention as having a slide which movably fits over the free end of each leg bar and which also receives the free end of each leg bar therein. In the Tseng

reference, the sleeve does not receive the free end of each leg bar therein. Instead, the free end extends through the sleeve and out the back of the sleeve. Applicant submits that the present arrangement is different and prevents the front leg bar from extending backwardly too far so as to prevent the possibility of a passerby snagging the end of the bar. By receiving the front legs within the slide, is not necessary to extend the length of the part connecting the backrest. Accordingly, this means that the chair is retained within the same envelope and is less likely to cause an obstruction to a passerby. In view of this, Applicant submits that claim 1 is allowable.

Claim 17 has been rewritten in independent form. This claim describes in more detail the joint member 54. This claim specifically describes the joint member as including the two lugs 55, a pivot and a cylindrical projection which fits into a tubular portion of each lower end of the backrest. The Examiner has attempted to combine the cylindrical projection shown in Wang with the bracket of Tseng. Applicant disagrees that it would be obvious to include such an arrangement. There is no motivation shown for one having ordinary skill in the art to consider in making this change. Tseng does not indicate the need for such an arrangement

Office Action dated: July 1, 2004      Applic. No. 10/680,194  
Reply filed: September 30, 2004      Art Unit 3636

for the bracket. Accordingly, Applicant submit that this claim is likewise allowable.

Claims 2, 3 and 7-16 depend from claim 1 and as such are also considered to be allowable. Each of these claims provide additional features which make these claims additionally allowable.

Likewise, Claim 18 depends from claim 17, and is also additionally allowable due to its recitation of the spring-biased pin.

## CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied upon by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Office Action dated: July 1, 2004      Applic. No. 10/680,194  
Reply filed: September 30, 2004      Art Unit 3636

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Joe McKinney Muncy #32,334  
Joe McKinney Muncy #32,334  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

*[Signature]* KM/RFG/jdn/te  
2846-0276

(Rev. 02/12/2004)